

**REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1 and 4-8 remain pending in the application. Claim 9 has been cancelled.

Applicants note that claims 1 and 4-8 have been allowed.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In response, claim 9 has been cancelled and accordingly this rejection should be withdrawn.

Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter. Claim 9 has been cancelled and thereby this rejection should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP.



Kenneth M. Berner  
Registration No. 37,093

USPTO Customer No. 22429  
1700 Diagonal Road, Suite 300  
Alexandria, VA 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
Date: September 14, 2005  
KMB/jad

4495-059 – 9/14/05

I spoke with Examiner re whether Action is final or non-final. Examiner Robinson-Boyce confirms it is a non-final.

Jan